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12 Attorneys for the United States

13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 SAN FRANCISCO DIVISION

16 UNITED STATES OF AMERICA, ) CASE NOS: CR 17-564 WHO, CR 18-534 WHO  
17 Plaintiff, ) STATUS REPORT, STIPULATION FOR BRIEF  
18 v. ) CONTINUANCE, AND ORDER  
19 ASHOT TADEVOSYAN, ARTOUR ATOIAN, )  
20 SUREN PETOYAN, GRIGOR FRENKYAN, )  
21 POGOS TATRYAN, ARTUR ARAKELIAN )  
22 Defendants. )  
23 \_\_\_\_\_)

24 The parties in this case last appeared before this Court on December 6, 2018, at which time the  
25 matter was continued to May 2, 2019 for trial setting or change of plea. Since that time, the parties have  
26 continued to negotiate potential resolutions. Tentative agreements have been reached as to certain  
27 defendants, and negotiations are at advanced stages as to the remainder of the defendants.<sup>1</sup> The parties  
28 hoped to complete negotiations prior to the scheduled May 2 appearance, but unfortunately due to travel  
schedules, the departure of one defense counsel from the case, and other factors, negotiations remain

27 <sup>1</sup> Defendant Tikhonov and Defendant Vaysberg are not parties to this stipulation because, in the  
28 government's view, plea negotiations are sufficiently advanced that a continuance to May 23 is not  
necessary as to those defendants. The parties may file a subsequent stipulation to separately set change  
of plea hearings for those defendants.

1 ongoing.

2 The parties stipulate and agree that a brief, three-week continuance would aid the parties in  
 3 streamlining this case and limiting the number of defendants to be scheduled for trial, if not eliminating  
 4 the need for a trial entirely. By hopefully narrowing the population of defendants to be set for trial, the  
 5 parties will be able to more accurately inform the Court as to the anticipated trial schedule and any  
 6 necessary motion practice. The parties further note that a brief continuance will allow counsel for  
 7 Defendant Arakelian, who was indicted more recently in November 2018 and has had only a few  
 8 months with the voluminous discovery, to further review discovery and engage in plea negotiations.

9 The parties further stipulate and agree that an exclusion of time for purposes of the Speedy Trial  
 10 Act pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B) would be appropriate between May 2, 2019, and  
 11 May 23, 2019. Exclusion of time until May 23, 2019, will allow the defense to review the evidence, do  
 12 further investigation, and is necessary for the effective preparation of counsel. *See* 18 U.S.C. §  
 13 3161(h)(7)(B)(iv).

14 The parties are cognizant that the Court requested a status update one week prior to the May 2,  
 15 2019 appearance. While the government is unaware of any particular motions under consideration by  
 16 the defense, the government provisionally proposes that motions be filed in July 2019, with a motion  
 17 hearing date in August 2019. While the number of defendants to be tried remains in flux, the  
 18 government proposes a trial date in mid-April 2020. Government counsel presently has trials set in  
 19 September 2019 and February 2020, and in light of defendant Arakelian's more recent indictment and  
 20 the need for his counsel to prepare, the government believes an April 2020 trial date to be appropriate.<sup>2</sup>  
 21 All *Giglio* material in the government's possession will be produced to the defense a minimum of 30  
 22 days prior to the commencement of trial. The parties believe they will be in a better position to advise  
 23 the Court as to a specific trial schedule on May 23, 2019, if the Court is amenable to granting the  
 24 continuance. In the event the continuance is granted, the parties will file a revised status report on May  
 25 16, 2019.

26

27 <sup>2</sup> Counsel for Arakelian has indicated that she has scheduling conflicts with a motion hearing  
 28 date in August 2019 and with a trial in April 2020. The parties anticipate further meeting and conferring  
 regarding a schedule once the number of defendants for trial has been determined.

1 IT IS SO STIPULATED.

2 DATED: April 25, 2019

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/s/  
ANDREW F. DAWSON  
Assistant United States Attorney

4 DATED: April 25, 2019

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/s/  
PAT HARRIS  
Counsel for Defendant Ashot Tadevosyan

6 DATED: April 25, 2019

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/s/  
GARO GHAZARIAN  
Counsel for Defendant Suren Petoyan

8 DATED: April 25, 2019

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/s/  
THOMAS V. JOHNSTON  
Counsel for Defendant Pogos Tataryan

10 DATED: April 25, 2019

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/s/  
JAMES THOMSON  
Counsel for Defendant Grigor Frenkyan

12 DATED: April 25, 2019

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/s/  
TIGRAN MARTINIAN  
Counsel for Defendant Artour Atoian

14 DATED: April 25, 2019

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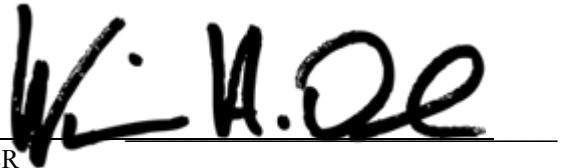
/s/  
K. ALEXANDRA MCCLURE  
Counsel for Defendant Artur Arakelian

17 ORDER

18 The previously scheduled appearance on May 2, 2019, is hereby continued to 1:30pm on May  
19 23, 2019. Pursuant to the parties' stipulation the Court finds that the exclusion of the period from May  
20 2, 2019 to May 23, 2019 from the time limits applicable under 18 U.S.C. § 3161 is warranted; that the  
21 ends of justice served by the continuance outweigh the interests of the public and the defendant in the  
22 prompt disposition of this criminal case; and that the failure to grant the requested exclusion of time  
23 would deny counsel for the defendant and for the government the reasonable time necessary for  
24 effective preparation and of counsel, taking into account the exercise of due diligence, and would result  
25 in a miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).

26 IT IS SO ORDERED.

27  
28 DATED: April 29, 2019  
STIPULATION CONTINUING STATUS CONFERENCE AND ORDER  
CR 17-0564 WHO; CR 18-534 WHO



1 HON. WILLIAM H. ORRICK  
2 UNITED STATES DISTRICT JUDGE  
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STIPULATION CONTINUING STATUS CONFERENCE AND ORDER  
CR 17-0564 WHO; CR 18-534 WHO